

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CLIFFORD DRAKE
f/k/a Kenneth Drake,

Plaintiff, CIVIL ACTION NO. 02 CV 74797 DT
v. DISTRICT JUDGE BERNARD A. FRIEDMAN

CITY OF DETROIT, a municipal corporation, DAVID BABCOCK, JOHN CARRAWAY, CHRISTOPHER COLE, REUBEN FLUKER, JAMES JONES, WILLIAM RICE, J. ROBBINS, MATTHEW RYAN, SCOTT SPENCER and WILLIAM WHITTEN,

Defendants.

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**ORDER DENYING WITHOUT PREJUDICE PLAINTIFF'S
EMERGENCY MOTION FOR DISCOVERY AND SANCTIONS**

This matter is before the court on Plaintiff's Emergency Motion For Discovery and For Appropriate Sanctions For Non-Compliance With Discovery Orders filed October 28, 2005. A hearing on the motion was held before the magistrate judge on November 14, 2005. For the reasons stated on the record,

IT IS ORDERED that the Motion IS DENIED without prejudice. The City has submitted all requested documentation that is available and will submit, by agreement, a supplemental response to plaintiff detailing information on the remaining requests. Test firing of the weapons

will be arranged by counsel to be conducted between November 28 and December 2, 2005 or as otherwise agreed.

SO ORDERED.

s/Virginia M. Morgan
VIRGINIA M. MORGAN
UNITED STATES MAGISTRATE JUDGE

Dated: November 21, 2005

PROOF OF SERVICE

The undersigned certifies that the foregoing order was served upon counsel of record via the Court's ECF System and/or U. S. Mail on November 21, 2005.

s/Jennifer Hernandez
Case Manager to
Magistrate Judge Virginia M. Morgan